

REMARKS

Applicants request acknowledgement that the Final Rejection has been withdrawn as being premature.

The Final Office Action presents a new ground of rejection based on 35 U.S.C. §103(a), namely, it rejects claims 1-62 based on U.S. Patent No. 6,085,098 to Moon et al. ("Moon") and Fraccaroli, U.S. Patent No. 6,549,786 ("Fraccaroli"). This is a new ground of rejection that was not necessitated by Applicants' amendment of the claims nor based on information submitted in an Information Disclosure Statement. Accordingly, in accordance with MPEP 70607, Applicants respectfully submit that the Final Office Action is premature and request withdrawal of the finality of this pending Office Action.

Applicants note that none of the claims of the present application were amended in Applicants first and only response which was filed on April 20, 2004.

On October 8, 2004, Applicants' attorney left a telephone message with the Examiner requesting withdrawal of the finality of the pending Office Action.

On October 12, 2004, Applicants' attorney received a voicemail message from the Examiner indicating that the finality had been withdrawn.

Applicants thank the Examiner for his prompt response and request written acknowledgement of the withdrawal of the finality of the Office Action.

The Section 103 Rejections

Claims 1-62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moon in view of Fraccaroli. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

As the Final Office Action points out, Moon does not disclose the step of transmitting “selected wireless device settings to a wireless service provider; wherein displaying comprises displaying the settings within a web page.”

To overcome these deficiencies, the Final Office Action cites Fraccaroli. However, Fraccaroli does not overcome these deficiencies.

Fraccaroli discloses the generation of matching profiles to allow users associated with the matching profiles to be put in contact with one another. In sum, Fraccaroli is aimed at the location of people, using their mobile devices, to enable a dating service or the like. There is no disclosure or suggestion in Fraccaroli that the information, used to match mobile users, is at all related to “wireless device settings,” as is required by the claims of the present invention.

In addition, there is no disclosure or suggestion that these wireless device settings are displayed within a web page, as is required by dependent claims 5, 21, 36 and 51 of the present invention.

The “wireless device settings” of the claims of the present invention are wholly unrelated to matching profiles of users or the location of users of mobile

devices. Instead, these features relate to the operation of a particular wireless device (see page 1, line 22 to page 2, line 14; and page 2, line 21 through page 3, line 19). Accordingly, Applicants respectfully requests reconsideration and withdrawal of the rejections and allowance of claims 1-62.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

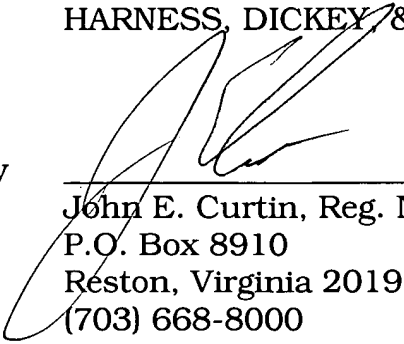
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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